

CIVIL CITATION – CITCVWD

THE STATE OF TEXAS

To: Allstate Insurance Company
CT Corporation System
1999 Bryan Street, Suite 900
Dallas TX 75201-3136

Defendant, NOTICE:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Said **ANSWER** may be filed with the District Clerk's Office, Orange County Courthouse, 801 W Division Ave, Orange Texas 77630.

Said

PLAINTIFF'S ORIGINAL PETITION

was filed and docketed in the Honorable 163rd District Court of Orange County, Texas at the District Clerk's Office at the Orange County Courthouse, 801 W Division Ave, Orange, Texas on August 9, 2019 in the following styled and numbered cause:

Cause No: 190302-C

Barbara Spears VS. Allstate Insurance Company

The name and address of the attorney for plaintiff otherwise the address of Plaintiff is:

David Dies
1703 Strickland Dr
ORANGE TX 77630

ISSUED AND GIVEN under my hand and seal of said Court at Orange, Texas, this August 9, 2019.



VICKIE EDGERLY, District Clerk
Orange County, Texas

Vickie Edgerly

RETURN

Came to hand on the _____ day of _____, 20_____, at _____ o'clock_____, M., and executed in _____ County, Texas, at _____ o'clock_____.M., on the _____ day of _____, 20_____, by delivering, in accordance with the requirements of law, to the within named _____. In person, a true copy of this citation together with the accompanying copy of the petition, having first endorsed thereon the date of delivery.

And not executed as to the defendant _____
the diligence used to execute being _____
the cause of failure to execute is _____
the defendant may be found _____

TOTAL FEES: _____

BY: _____

EXHIBIT

C

From: Justin Rhodes
To: "rherford@dieslaw.com"
Subject: B190302-C Spears Service
Date: Friday, August 9, 2019 2:42:00 PM
Attachments: Allstate Insurance Company - Citation.pdf
Importance: High

Attached is your citation in the above referenced case. Please print 2 copies and attach the Original Petition to one before forwarding for service.

Please acknowledge receipt of this service for our records. If you have any questions please feel free to call.

Thank you,

Justin Rhodes

Justin Rhodes
Deputy Clerk
Orange County District Clerks Office
801 W. Division
(409) 882-7828
Jrhodes@co.orange.tx.us



**State of Texas
County of Orange**

I, VICKIE EDGERLY, Clerk of the District Court in and for Orange County, Texas do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same was filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 27th day of August 2019

VICKIE EDGERLY
Clerk of District Court
of Orange County, Texas
by Justin Rhodes
JUSTIN RHODES

FILED: 8/9/2019 11:27 AM
Vickie Edgerly, District Clerk
Orange County, Texas
Reviewed By: Justin Rhodes



Vickie Edgerly
Orange County District Clerk
801 W. Division Ave.
Orange, Texas 77630-6364
Phone: (409) 882-7825
Fax: (409) 882-7083

Anne Reed
Chief Deputy - Civil

Brandee Avery
Chief Deputy - Criminal

E-FILING REQUEST FOR PROCESS

All sections must be completed for processing this request

Section 1:
Cause No.: B190302-C **163rd** **Date:** August 9, 2019

Style of Case: Barbara Spears v. Allstate Insurance Company

Section 2:
Title of your Document / Name of Pleading to be attached for Service
Plaintiffs Original Petition

Section 3:
Put the NUMBER of parties by the type of Service you're requesting below:

1 Citation (\$8.00 per party & per pleading)
 Temporary Restraining Order (\$8.00 per party)
 Notice of Hearing/Notice to Show Cause/Order to Appear (\$8.00 per party)
 Application for Protective Order/Temporary (Ex Parte) Protective Order **

**Submit the REQUIRED TCIC/NCIC Form and List below the Law Enforcement Agency to be served on:

 Precept to Serve (\$8.00 per party)

 Writ of _____ (8.00 per party)

 Citation by Posting (\$8.00 per party)

 Citation by Publication (\$8.00 per party)* Newspapers Name & Address: _____

 Citation by Secretary of State (\$16.00 per party)

 Citation by Texas Highway Commission (\$16.00 per party)

 Civil Bond Approval (\$4.00)

 Other _____

Section 4:

Put a by Type of Delivery below:

By E-Mail (Please provide E-Mail address, Contact Name and Phone Number below)
rherford@diesslaw.com / Robbie Herford / 409/883-0892

 Process Server

 Out of County

 Orange Co. Sheriff (add \$75.00 per party & per piece of service)

 Writ Served by Orange Co. Sheriff (add \$125.00 per party)

 Certified Mail-Return Receipt Requested (add \$75.00 per party& per piece of service) **Restricted Delivery**

 Protective Order

 Warrant or Capias (Civil \$80.00)

 Other: _____

** Service NOT being returned by E-mail:

There will be a service copy charge of \$1.00 per page, per pleading & per party. Please list below the total amount of copies and cost you will be paying.

**Copies for Service: Total Number of Pages, Per Party being served: _____, \$ _____

Section 5:

Parties to Be Served: (Please Type or Print)

1. Name: Allstate Insurance Company / Registered Agent: CT Corporation System

Address: 1999 Bryan Street, Suite 900

City: Dallas State: TX Zip: 75201-3136

Type of Service requested: Citation

2. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Type of Service requested: _____

3. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Type of Service requested: _____

4. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Type of Service requested: _____

5. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Type of Service requested: _____

6. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Type of Service requested: _____

Section 6:

Attorney's Name: David Dies

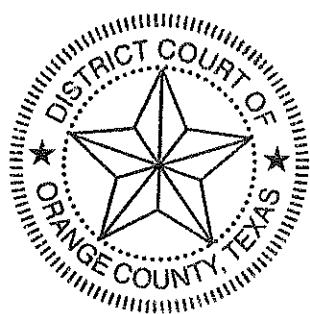
Address: 1703 Strickland Drive

City: Orange State: TX Zip: 77630

Attorney's Telephone No.: 4069/883-0892 Attorney's Bar No.: 05850800

Attorney's E-Mail Address: rherford@dieslaw.com

CERTIFIED COPY



**State of Texas
County of Orange**

I, VICKIE EDGERLY, Clerk of the District Court in and for Orange County, Texas do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same was filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 11th day of August, 2019

VICKIE EDGERLY
Clerk of District Court
of Orange County, Texas
by 
JUSTIN RHODES

FILED: 8/9/2019 11:27 AM
Vickie Edgerly, District Clerk
Orange County, Texas
Reviewed By: Justin Rhodes

Cause No. B190302-C

BARBARA SPEARS

IN THE JUDICIAL DISTRICT

VS.

ALLSTATE INSURANCE COMPANY

ORANGE COUNTY, TEXAS

163rd DISTRICT COURT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, BARBARA SPEARS, hereinafter referred to as Plaintiff, and complains of ALLSTATE INSURANCE COMPANY, hereinafter referred to as Defendant, and as grounds would show unto the court the following:

I.

Plaintiff intends that discovery be conducted under Level III, Texas Rule of Civil Procedure 190.4.

II.

Plaintiff, BARBARA SPEARS is the owner of the residential property made the subject of this suit, which is situated in Orange County, Texas.

Defendant, ALLSTATE INDEMNITY COMPANY, is a corporation doing business in the venue and jurisdiction of this Court, who may be served by serving its registered agent/attorney for service: CT Corporation System, 1999

Bryan Street, Suite 900, Dallas, TX 75201-3136.

CERTIFIED COPY

III.

OFFICE OF DISTRICT CLERK
The Court has jurisdiction over Defendant, ALLSTATE INSURANCE COMPANY because Defendant is a company doing business in the State of Texas and has purposefully established minimum contacts with the State of Texas. The court has jurisdiction over the controversy because the damages are within the jurisdictional limits of the court.

IV.

VENUE is proper in Orange County, Texas because the events made the basis of this suit took place in Orange County, Texas and the property made the subject of this claim is located in Orange County, Texas.

V.

This lawsuit is brought against Defendant insurance carrier for recovery of costs of repair to Plaintiff's residence caused by Hurricane Harvey. ALLSTATE INSURANCE COMPANY, Defendant, sold a policy of homeowner's insurance to Plaintiff and contracted to indemnify Plaintiff for all losses caused by windstorm and flood. On or about August 29, 2017, Hurricane Harvey caused extensive damages to Plaintiff's residence located at 7842 Patricia Lane, Orange County, Texas. Such costs of repair are estimated to be \$154,112.38. Plaintiff made proper claim for all costs of repair as required under the policy and allowed Defendant insurance company representatives and adjusters access to the property for thorough inspection and appraisal. To date, Defendant ALLSTATE INSURANCE COMPANY, its agents, servants, employees and representatives

CERTIFIED COPY

have failed to indemnify and compensate Plaintiff for her costs of repair.

VI.

Plaintiff brings this suit pursuant to Articles 541 and 542, et seq. of the Texas Insurance Code for all costs of repair and damages to their residence caused by Hurricane Harvey. The evidence will likely show:

- 1) Defendant and its representatives knowingly misrepresented to claimants pertinent facts or policy provisions relating to the coverage at issue;
- 2) Defendant and its representatives failed to acknowledge with reasonable promptness pertinent communications relating to the claim;
- 3) Defendant and its representatives failed to adopt and implement reasonable standards for the prompt investigation of the claim;
- 4) Defendant and its representatives failed to attempt in good faith, a prompt, fair and equitable settlement of the claim submitted in which liability has become clear;
- 5) Defendant and its representatives have compelled claimants to institute suit by offering substantially less than the amounts Plaintiffs will likely recover in suit;
- 6) Defendant and its representatives have negligently or intentionally refused to pay the proper amount due under the policy.

The foregoing acts and omissions were a proximate cause of Plaintiff's damages.

VII.

DAMAGES

Plaintiff would show that the reasonable and necessary costs of repair caused by Hurricane Harvey are \$154,112.38 for which suit is brought. Plaintiff further alleges that additional cost of repairs will likely be found as construction proceeds on the residence.

**VIII.
EXPENSES**

Plaintiff brings this lawsuit for recovery of all costs of expenses related to the lawsuit and for all statutory penalties, interest and punitive damages allowed by law.

**IX.
PRAYER**

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer herein and that upon final hearing, Plaintiff has judgment over and against the Defendant, judgment for all damages and injuries alleged herein which are in excess of the minimum jurisdictional limits of this Court, and further that Plaintiffs have over and against all named Defendant herein such judgment together with punitive damages, prejudgment interest, post-judgment interest at the legal rate of interest, attorney's fees that are reasonable and necessary that are allowed by law, costs of Court, all other

CERTIFIED COPY

damages as allowed by law and for such other and further relief, both general and specific, in law and in equity, for which Plaintiffs may show themselves justly entitled.

PLAINTIFF RESPECTFULLY REQUESTS A TRIAL BY JURY.

Respectfully submitted,

DIES LAW OFFICES



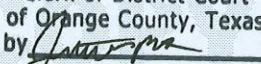
DAVID DIES
State Bar #05850800
1703 Strickland Drive
Orange, Texas 77630
rutherford@dieslaw.com
(409) 883-0892
(409) 670-0888 - Facsimile

ATTORNEYS FOR PLAINTIFFS

State of Texas
County of Orange

I, VICKIE EDGERLY, Clerk of the District Court in and for Orange County, Texas do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same was filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 7th day of August 2019

VICKIE EDGERLY
Clerk of District Court
of Orange County, Texas
by 

JUSTIN RHODES

[Print this page](#)

Case # B190302-C - Barbara Spears Vs. Allstate Insurance Company (163rd Judge Dennis Powell)

Case Information

Location Orange County - District Clerk
 Date Filed 8/9/2019 11:27 AM
 Case Number B190302-C
 Case Description Barbara Spears Vs. Allstate Insurance Company
 Assigned to Judge 163rd Judge Dennis Powell
 Attorney David Dies
 Firm Name Dies & Parkhurst LLP
 Filed By David Dies
 Filer Type Not Applicable
 Damages Sought Over \$100,000 but not more than \$200,000

Fees

Convenience Fee	\$8.96
Total Court Case Fees	\$262.00
Total Court Party Fees	\$0.00
Total Court Filing Fees	\$48.00
Total Court Service Fees	\$0.00
Total Filing & Service Fees	\$0.00
Total Provider Service Fees	\$0.00
Total Provider Tax Fees	\$0.00
Total Taxes (for non-court fees)	\$0.00
Grand Total	\$318.96

Payment

Account Name	David Dies
Transaction Amount	\$318.96
Transaction Response	Approved
Transaction ID	53554372
Order #	035835942-0

Petition

Filing Type	Efile
Filing Code	Petition
Filing Description	PLAINTIFF'S ORIGINAL PETITION
Reference Number	BARBARA SPEARS

Comments

Status

Accepted

Accepted Date

8/9/2019 11:45 AM

Accept Comments

Thank you, Justin

Fees

Court Fee

\$48.00

Service Fee

\$0.00

Optional Services

Issue Citation

\$8.00

Jury Fee

\$40.00

Documents

Lead Document

Original Petition - Barbara Spears.pdf

[Original] [Transmitted]

Petition

Filing Type

EFile

Filing Code

Petition

Filing Description

REQUEST FOR PROCESS

Reference Number

BARBARA SPEARS

Comments

Accepted

Status

8/9/2019 11:45 AM

Accepted Date

\$0.00

Fees

\$0.00

Court Fee

\$0.00

Service Fee

\$0.00

Documents

Lead Document

Request for Process - Barbara Spears.pdf

[Original] [Transmitted]



State of Texas

County of Orange

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VICKIE EDGERLY
Clerk of District Court
of Orange County, Texas
by 
JUSTIN RHODES

CASE HISTORY FOR CASE 190302-C
Barbara Spears VS. Allstate Insurance Company

FILED DATE: 8/9/2019

CASE TYPE: C/CONTRACT - OTHER

STATUS: JURY DEMAND

JUDGE: 163rd District Court

CASE PARTIES:

Plaintiff Spears, Barbara

Plaintiff Attorney Dies, David

Defendant Allstate Insurance Company

CASE HISTORY FOR CASE 190302-C**Spears, Barbara**

Current Age: Unknown

DOB: Unknown

DL#:

SSN: 000-00-0000

Total Paid: \$ 310.00

Balance Due: \$ 0.00

COST	AMOUNT	PAY PRIORITY
Action: PLAINTIFF'S ORIGINAL PETITION COMP PUB ACCT CV (DC) \$50.00	\$50.00	20
DISTRICT CLK'S FEE-CASE \$50.00	50.00	50
ORANGE CO SHERIFF -CASE \$5.00	5.00	50
LAW LIBRARY FEES \$20.00	20.00	50
STENOGRAPHIC FEES \$15.00	15.00	50
COURTHOUSE SEC FUND \$5.00	5.00	50
REC MGMT PRES \$5. GC 51.317 (c)(2)	5.00	50
REC MGMT PRES FUND(CL-R) GC 51.317(c)(1)	5.00	40
JUDICIARY FEE	42.00	30
STATE:IND LGL(C)LGC 133.152 (a)(1)	10.00	30
APPELLATE JUD SUPPORT FEE	5.00	30
DC DIGITIZE CT. R. GC 51.708	10.00	40
DC ARCHIVE 51.305 (b)	10.00	40
STATE E-FILING (C) \$30 GC 51.851 (b)	30.00	20
Action: JURY DEMAND + (No image) JURY FEE	40.00	50
Action: CITATION REQUESTED (PROCESS SERVER) DISTRICT CLERK FEES : GENERAL	8.00	50
Total:		\$310.00

DATE	TIME	DESCRIPTION
08/14/2019	9:26 am	Received payment of \$310.00 from David Dies (EFILE) for Barbara Spears. Printed receipt #524869. Spears, Barbara
08/09/2019	2:43 pm	Filing recorded: CITATION/S ISSUED + Electronically Allstate Insurance Company
08/09/2019	2:43 pm	JUSTINRH recorded the following Case Action Note: E-mailed to: rherford@dieslaw.com Allstate Insurance Company
08/09/2019	2:42 pm	Filing recorded: CITATION REQUESTED (PROCESS SERVER) Spears, Barbara
08/09/2019	2:42 pm	Filing recorded: REQ FOR PROCESS FORM Spears, Barbara
08/09/2019	2:42 pm	Filing recorded: JURY DEMAND + (No image) Spears, Barbara

Print Date: 08/27/2019

Print Time: 9:25:56AM

Requested By: JUSTINRH

08/09/2019	2:42 pm	JUSTINRH recorded the following Case Action Note: Scanned to OP. Spears, Barbara
08/09/2019	2:42 pm	Filing recorded: PLAINTIFF'S ORIGINAL PETITION Spears, Barbara
08/09/2019	2:42 pm	Filing recorded: E-FILE RECEIPT Spears, Barbara



State of Texas
County of Orange

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VICKIE EDGERLY
Clerk of District Court
of Orange County, Texas
by Justin Rhodes
JUSTIN RHODES

CERTIFIED COPY